

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TIFFANY GIBSON-HAWLEY,

Plaintiff,

-against-

USA MANAGEMENT LLC, JOHN WILLIAMS, TROY LEGG, JOHN DOES 1-10, JANE DOES 1-10, and ABC CORPS. 1-10,

Defendants.

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MEMORANDUM AND ORDER
Case No. 17-CV-4346 (FB) (PK)

BLOCK, Senior District Judge:

Magistrate Judge Kuo issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against defendant Troy Legg in the total amount of \$21,324.38. The R&R advised that objections were due within 14 days and warned that “[f]ailure to timely file any such objection waives the right to appeal the District Court’s Order.” R&R 24. The R&R was served on Legg at his last known address on September 14, 2018, making objections due by September 28, 2018. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313

F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Clerk shall enter judgment in accordance with the R&R, bearing in mind that the R&R provides that the amount of prejudgment interest—and, therefore, the total amount of the judgment—shall be increased by \$0.50 per day multiplied by the number of days between September 14, 2018, and the day on which the judgment is entered.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 28, 2018